

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATHANIAL TUFF,

Plaintiff,

vs

6-09-CV-262

ROME POLICE DEPT.; SCOTT HALL;
INV. M. AMMANN; INV. F. ROBENSKI;
INV. J. ROTOLO; and LT. SCOTT WITTMAN,

Defendants.

APPEARANCES:

OF COUNSEL:

NATHANIAL TUFF
Plaintiff, Pro Se
1663 Steuben Street
Utica, New York 13501

OFFICE OF CORPORATION COUNSEL
Attorney for Defendants
Rome City Hall
198 North Washington Street
Rome, New York 13440

DIANE MARTIN-GRANDE, ESQ.
GERARD F. FEENEY, II, ESQ.

DAVID N. HURD
United States District Judge

ORDER

Plaintiff filed a second amended civil rights complaint on June 4, 2009 (Docket No. 9). It sets forth events which allegedly occurred in 1999-2000. Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on August 17, 2009 (Docket No. 19). Plaintiff answered on August 24, 2009, in opposition, but does not challenge the dates of alleged events. (Docket No. 21).

The plaintiff's claims are barred pursuant to the three year statute of limitations under 42 U.S.C. § 1983.

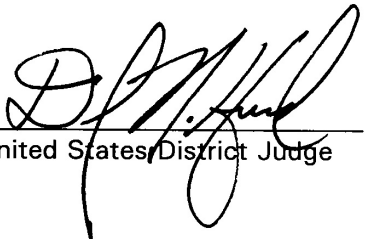
Therefore, it is

ORDERED, that

1. The defendants' motion is GRANTED; and
2. The complaint is DISMISSED.

The clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: October 27, 2009
Utica, New York.